

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF)	
DELMARVA POWER & LIGHT COMPANY FOR)	
AN INCREASE IN NATURAL GAS BASE RATES)	PSC Docket No. 17-0978
(FILED AUGUST 17, 2017))	

**JOINT OPPOSITION OF THE DELAWARE PUBLIC SERVICE COMMISSION STAFF
AND THE DELAWARE DIVISION OF THE PUBLIC ADVOCATE TO DELMARVA
POWER & LIGHT COMPANY'S MOTION FOR A CONTINUANCE OF THE ORAL
ARGUMENT ON EXCEPTIONS TO THE HEARING EXAMINER'S PROPOSED
FINDINGS AND RECOMMENDATIONS**

The Delaware Public Service Commission Staff ("Staff") and the Delaware Division of the Public Advocate ("DPA") hereby oppose Delmarva Power & Light Company's ("Delmarva") Motion for a Continuance of the Oral Argument on Exceptions to the Hearing Examiner's Proposed Findings and Recommendations ("Motion"), and in support thereof state:

1. Delmarva has had Staff's and the DPA's Joint Brief on Exceptions since March 11, 2019. Yet it was not until after the close of business hours on Thursday, April 11, 2019, that it unilaterally filed its Reply Brief on Exceptions, without having requested leave of the Public Service Commission ("Commission") to do so. The next day, without having the benefit of the DPA's or Staff's counsels' views on Delmarva's unilateral filing, the Commission's Executive Director gave Delmarva the choice of withdrawing its filing or moving the argument on exceptions to another date to allow Staff and the DPA to respond to the reply brief.

2. After the Executive Director's letter giving Delmarva those options, Delmarva understandably opted to delay the oral argument scheduled for April 16, 2019. When the DPA protested that, among other things, reply briefs on exceptions were not permitted either under the Administrative Procedures Act ("APA") or the Commission's regulations, the Executive Director

correctly reversed his position and advised Delmarva that the argument would proceed as scheduled on April 16, 2019.

3. Delmarva requested the Executive Director to reconsider. That request was denied. Delmarva then apparently spent the entire weekend working on this Motion, which it filed just over 24 hours before the scheduled oral argument on exceptions. Because we have had less than one business day to respond to the Motion, this opposition perhaps will not be as detailed as it otherwise would have been had we had a little more time to respond.

4. Staff and the DPA respectfully submit that the Motion should be denied for several reasons. First, the APA does not provide for “reply exceptions.” Indeed, neither Staff nor DPA counsel, who have both been appearing before this Commission for more than 30 years, has ever been involved in a case in which a party even requested, let alone unilaterally filed without permission, “reply exceptions.” And even if Commission regulations *did* allow reply exceptions, they would be inconsistent with the APA.

5. Second, even if the Commission had discretion to allow “reply exceptions,” Delmarva did not seek Commission approval before submitting its “reply exceptions.” Staff and DPA’s Joint Brief on Exceptions was filed on March 11, and there have been two Commission meetings since then. Delmarva had sufficient time to request the Commission’s dispensation to file “reply exceptions,” but it did not; instead, it sandbagged not only the Commission, but Staff and DPA, with its “reply exceptions” and a more than 400-page compendium of cases just two business days before the scheduled oral argument.

6. Third, even if the Commission had discretion to allow “reply exceptions,” Delmarva is not being denied due process by not being able to submit written “reply exceptions.” The Commission is hearing oral argument on the exceptions, and all of the arguments that

Delmarva wants the Commission to hear can be made during oral argument. Courts have never held that due process requires a hearing, let alone requiring allowing a party be permitted to submit written arguments when it is being afforded the opportunity to argue its case before the tribunal.

7. Fourth, even if the Commission had discretion to allow “reply exceptions,” the length of a brief on exceptions or the subject matter addressed in the exceptions has no bearing on whether “reply exceptions” should be permitted; indeed, there have been many cases in which the briefs on exceptions have been much longer, and have addressed important legal issues, yet the utility did not submit “reply exceptions.”

8. Finally, the acceptance or rejection of “reply exceptions” is a procedural matter that the Commission’s Executive Director has full authority to determine. The Executive Director is not a “party” to the proceedings. Moreover, Staff did not oppose the Executive Director’s decision – the DPA did. And Dr. Barua is not an employee of the DPA.

A. The APA Does Not Provide for Reply Exceptions.

9. The APA governs the conduct of administrative proceedings. As enacted by the General Assembly, its purpose “is to standardize the procedures and methods whereby certain state agencies exercise their statutory powers and to specify the manner and extent to which action by such agencies may be subject to public comment and judicial review.”¹ The APA then goes on to provide the procedures by which agencies subject to the APA must render case decisions and issue regulations. Where an agency assigns a proceeding to a subordinate, the APA provides that the subordinate must prepare a proposed order for the agency’s consideration, which must include “a brief summary of the evidence and recommended findings of fact based upon the evidence;” “recommended conclusions of law;” and a “recommended decision.”² When the subordinate

¹ 29 Del. C. § 10101.

² *Id.* §§ 10126(a)(1)-(3).

submits the proposed order to the agency, “a copy shall be delivered to each of the other parties who shall have twenty days to submit in writing to the agency exceptions, comments and arguments respecting the proposed order.”³

10. Delmarva argues that the Commission’s rules do not prohibit filing “reply exceptions” and do not limit when briefs may be filed.⁴ But Delmarva ignores that this Commission is subject to the APA, and the APA *does* provide a limitation on what can be filed and when: 20 days after receipt of the subordinate’s proposed findings and recommendations.⁵

11. Long-established rules of statutory construction hold that statutes must be interpreted to effect legislative intent:⁶

Where the intent of the legislature is clearly reflected by unambiguous language in the statute, the language itself controls. “It is well established that [c]ourts have no authority to vary the terms of a statute of clear meaning or ignore mandatory provisions.”⁷

Nor may a court “[e]ngraft upon a statute language which has been clearly excluded therefrom by the Legislature.”⁸ When a legislature inserts a provision into a statute, the court assumes that insertion to be purposeful; likewise, when a legislature does not include language in a statute, that

³ *Id.* § 10126(b) (emphasis added).

⁴ Motion at ¶7.

⁵ Amazingly, Delmarva does not even acknowledge that the APA applies here, contending that counsel for Staff and the DPA “suggest that the Commission’s rules and the Hearing Examiner’s Findings and Recommendations required Delmarva to file its Reply within 20 days of the Hearing Examiner’s findings.” (Motion at ¶7). Delmarva then argues that Staff and the DPA’s Joint Brief on Exceptions was filed after the 20-day period set forth in the APA had expired. (*Id.*). Indeed it was – but so was *Delmarva’s* brief on exceptions. And Delmarva neglects to tell the Commission that *Delmarva agreed to the extension to March 11*. DPA counsel’s letter to the Executive Director requesting the brief extension represented that she had “communicated with Delmarva counsel Todd Goodman, *who has graciously agreed to extend the deadline for exceptions to Monday, March 11.*” (Exhibit A hereto; emphasis added)). Delmarva never advised anyone that the DPA had misrepresented its agreement, and so Delmarva cannot rely on the fact that the briefs on exceptions were not filed within the 20-day period because *it agreed to the extension*. One may waive a statutory right. *Baio v. Commercial Union Ins. Co.*, 410 A.2d 502, 508 (Del. 1979). Delmarva waived its right to contend that Staff’s and the DPA’s Joint Brief should be rejected because it was not filed within the 20-day exception period. It cannot bootstrap that waiver into an argument that Staff and the DPA waived their right to assert that Delmarva cannot file a brief it has no right to file in the first place.

⁶ *Zambrana v. State*, 115 A.3d 773, 775 (Del. 2015).

⁷ *Id.* (internal citations omitted).

⁸ *Humm v. Aetna Cas. & Sur. Co.*, 656 A.2d 712, 715 (Del. 1995).

decision is also deemed to be purposeful.⁹ If a court cannot do any of these things, an administrative agency cannot do them either. But in asking for a continuance to allow the Commission to consider the “reply exceptions” that Delmarva filed, Delmarva is asking this Commission to do exactly that: add language to Section 10126(b) that the General Assembly did not see fit to include. Were the Commission to accept Delmarva’s invitation, it would be committing reversible error.

12. The Commission should reject Delmarva’s invitation to commit reversible error. The General Assembly provided for *one* round of exceptions with respect to a subordinate’s recommended decision, and those exceptions were to be filed within 20 days of the parties’ receipt of the decision. If the General Assembly had wanted to provide for more bites at the apple, it knew how to do so: indeed, in the APA section governing agency promulgation of regulations, the agency must republish and accept new comments on a proposed regulation every time it makes a substantive change.¹⁰ But it did not do so here, and the Commission cannot change that.

B. If the APA Does Not Permit Reply Exceptions, the Commission Cannot Do So Via Rules That Are Inconsistent with the APA.

13. Delmarva argues that Section 1.7.1.6 of the Commission’s Rules of Practice and Procedure do not limit when briefs may be filed. Given that the APA does not permit reply exceptions, the Commission would not be able to do so via regulations that are inconsistent with the APA. To do so would be adding language to the statute that is not there, and for the reasons discussed above, that would constitute reversible error.

14. Additionally, the Commission has specific rules that apply to exceptions, and those rules are found in 26 *Del. Admin. C.* § 1001.2.19. The rules for exceptions do not provide for reply

⁹ *Id.*

¹⁰ *See* 29 *Del. C.* §§ 10111-10119.

briefs.

15. Finally, Section 1.7.1.6 does not support Delmarva's argument. That section defines the "types of filings and general requirements" thereof. It identifies briefs (among other things) within the definition of "filings." That is all that section does. It does not contain a time limitation for briefs, but it also does not contain a time limitation for other filings. Instead, time limits are set forth in other sections of the Commission's Rules of Practice and Procedure, such as time limits for interlocutory appeals to the Commission and exceptions. The specific controls over the general, and the Commission has specific rules for exceptions.

C. Even if the Commission Had Discretion to Allow "Reply Exceptions," Delmarva Did Not Seek Approval to Do So Before Submitting Them.

16. Even if the Commission had discretion to allow "reply exceptions," and the Commission's rules allowed them, Delmarva did not seek approval to do so before submitting them. Staff and the DPA's Joint Brief on Exceptions was filed on March 11 (as was Delmarva's brief on exceptions). The Commission had regularly-scheduled meetings on March 19 and April 2. Delmarva had presumably reviewed Staff and DPA's Joint Brief on Exceptions by April 2. Delmarva could have filed a motion requesting the Commission's permission to file reply exceptions. It did not. It cannot now "claim injury when the injury is the result of [its] own failure to exercise procedures available to [it]."¹¹

17. Parties have no self-serving tactic to decide what statutes they will or will not comply with, and do not get to decide for themselves what they will and will not file. If the Commission grants Delmarva's Motion, the Commission will be telegraphing to the rest of the

¹¹ *Cook v. Oberly*, 459 A.2d 535, 540 (Del. 1983).

utilities it regulates that this kind of activity is acceptable. It is not acceptable, and the Commission should not condone it.

D. Delmarva Is Not Being Denied Due Process.

18. Delmarva claims that because it has the burden of proof, and because the issue before the Commission is the very important one of whether the business judgment rule should apply to the costs being challenged here, due process requires that it be permitted to respond to Staff and the DPA's Joint Brief on Exceptions in writing. Delmarva claims that Staff and the DPA seek "to have the Commission materially alter its standard of review for many utility business decisions," and that we "disingenuously represented that Delmarva had unilaterally sought regulatory asset treatment for these costs" in its last base rate case when that treatment only occurred due to a settlement.¹²

19. The Delaware Supreme Court has observed that:

[d]ue process, unlike some legal rules, is not a technical notion with a fixed content unrelated to time, place, and circumstances; rather it is a flexible concept which calls for such protections as the situation demands. As it related to the requisite characteristics of the proceeding, due process entails providing the parties with the opportunity to be heard, by presenting testimony or otherwise, and the right of controverting, by proof, every material facts which bears on the question of right in the matter involve4d in an orderly proceeding appropriate to the nature of the hearing and adapted to meet its ends.¹³

20. A "judicial model of an evidentiary hearing" is not required in every instance; but at a minimum, due process requires some form of notice and hearing prior to depriving a person of private interests.¹⁴ Delmarva received *more* than the minimum. It presented prefiled and live testimony; it briefed the issues to (and had the last word with) the Hearing Examiner; and it will

¹² Motion at 4-5 and n.1.

¹³ *Vincent v. Eastern Shore Markets*, 970 A.2d 160, 164 (Del. 2009).

¹⁴ *Kotler v. Board of Medical Practice*, 1992 WL 54587, at *3 (Del. Super. Jan. 19, 1993).

get to argue its position that Staff and the DPA are wrong and have allegedly misrepresented facts to the Commission.¹⁵ It has received all the process it is due.

21. Furthermore, Delmarva neglects to inform the Commission that Staff and the DPA made the very same arguments with respect to whether the business judgment rule applies here to the Hearing Examiner that we are making to this Commission. Delmarva addressed those arguments below in opening and reply briefs, and apparently did so to the Hearing Examiner's satisfaction, *because the Hearing Examiner accepted them*. There is nothing new about the DPA's and Staff's arguments on whether or not the business judgment rule should apply to these costs; Delmarva simply wants the last word. But due process does not require Delmarva to have the last written word. It won the issue before the Hearing Examiner. It is Staff and the DPA that must convince the Commission that the Hearing Examiner decided the issue incorrectly. That is what exceptions are for.

E. Neither the Length of a Brief on Exceptions or the Subject Matter of the Exceptions Requires a Reply to Staff's and DPA's Joint Brief on Exceptions.

22. Delmarva makes much of the fact that Staff's and DPA's Joint Brief on Exceptions was 37 pages long and that the Joint Brief on Exceptions addresses an important legal issue. We agree: our brief was that long, and it does address an important legal issue (although not all of those 37 pages addressed one legal issue; the brief also addresses other legal issues that we think are important). Neither of these facts, however, permits a reply to our exceptions.

23. DPA's counsel and outside counsel for Staff have both been practicing before this Commission for more than thirty years. Never has either of us seen a request for reply exceptions,

¹⁵ Our state courts have cautioned counsel about using the word "disingenuous" to describe an opposing party's positions or representations. We have no doubt that Delmarva's counsel is well aware of our courts' position about that. This is not the first time that Delmarva's outside counsel has taken shots at opposing counsel suggesting that they have done something that one could view as an ethical violation.

let alone the unilateral filing of reply exceptions. In those thirty years, many important legal issues have been raised and argued before this Commission without it having had the benefit of “reply exceptions.” And many briefs on exceptions longer than 37 pages have been presented to this Commission without an opposing party needing “reply exceptions.”¹⁶

F. Delmarva’s Claim that Dr. Barua Is Biased Is Meritless.

24. Finally, Delmarva’s claim that Dr. Barua *is* Staff and therefore is biased is meritless. Dr. Barua made his initial decision without the benefit of having the DPA’s position on the matter. Once the DPA sent its email opposing his initial decision and explaining the reasons why it opposed it,¹⁷ Dr. Barua reconsidered his decision. Delmarva, on the other hand, provided no justification for filing “reply exceptions” that allowed Staff, the DPA and this Commission only two business days to review and prepare for oral argument, nor did it proffer any reason it did not seek Commission approval prior to filing the “reply exceptions.”

25. Nor does the fact that Dr. Barua is employed by the Commission mean he is biased. In *Kotler, supra*, the Superior Court rejected a claim that an administrative board was unable to render an impartial decision because its attorney had a dual role as both investigator and adjudicator. Delmarva “must overcome a presumption of honesty and integrity” by showing that there is such a risk of actual bias that Delmarva would be deprived of its due process rights.¹⁸

26. “Actual bias” may be shown where the adjudicator has a pecuniary interest in the outcome *and* in which he has been the target of personal abuse or criticism from the party before

¹⁶ Two recent examples: in Docket No. 13-115, Staff submitted a 49-page brief on exceptions and the DPA submitted an 83-page brief on exceptions. Delmarva neither asked for nor filed “reply exceptions.” In Docket No. 14-132, Staff filed a 21-page brief on exceptions, and the DPA filed a 50-page brief on exceptions. Artesian neither asked for nor filed “reply exceptions.” Time constraints precluded counsel from researching rate cases from before the Commission switched over to Delafile.

¹⁷ See Exhibit B.

¹⁸ *Kotler, supra* at *5.

him.¹⁹ Neither of those elements is present here: Dr. Barua has no pecuniary interest in the outcome of this proceeding, and before he changed his decision, he had not been the target or personal abuse or criticism from Delmarva.²⁰

27. Finally, notwithstanding Delmarva's counsel's long experience with this Commission representing both Delmarva and Artesian, the issue of a potential conflict between Staff's role and the Executive Director's role has never been successfully raised. Indeed, Delmarva was perfectly fine when Dr. Barua accepted *its* position; the only reason it now claims bias is because he changed his position after having received DPA's reasoned opposition. That does not constitute bias.

CONCLUSION

28. Based on the foregoing reasoning and authorities, Staff and the DPA respectfully request the Commission to deny Delmarva's Motion, and to hold the oral argument on the Hearing Examiner's proposed findings and recommendations as scheduled on April 16.

ASHBY & GEDDES

/s/ James McC. Geddes

James McC. Geddes (De. Bar No. 690)
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899
(302) 654-1888
jamesgeddes@mac.com

Rate Counsel for the Delaware Public
Service Commission Staff

¹⁹ *Id.*

²⁰ This argument comes with particular ill grace from Delmarva considering that it was perfectly happy with Dr. Barua's determination of a procedural matter in Docket No. 17-1094. The Commission may recall that Delmarva sought leave to file a new report just a few weeks before a scheduled evidentiary hearing; that Staff and the DPA opposed that request; that Staff and the DPA filed a motion to stay that proceeding pending potential legislation that, if enacted, would have mooted the docket; and that Dr. Barua rejected Staff and the DPA's argument that their motion should be considered before the Commission heard exceptions on the Hearing Examiner's recommended decision to allow Delmarva to submit the report.

/s/ Thomas D. Walsh

Thomas D. Walsh (De. Bar No. 3783)
Deputy Attorney General
Delaware Department of Justice
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8319
ThomasD.Walsh@delaware.gov

Counsel for the Delaware Public
Service Commission Staff

and

/s/ Regina A. Iorii

Regina A. Iorii (De. Bar No. 2600)
Deputy Attorney General
Delaware Department of Justice
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8159
regina.iorii@delaware.gov

Counsel for the Delaware Division of the
Public Advocate

Dated: April 15, 2019

Exhibit A



KATHLEEN JENNINGS
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
NEW CASTLE COUNTY
820 NORTH FRENCH STREET
WILMINGTON, DELAWARE 19801

CIVIL DIVISION (302) 577-8400
FAX: (302) 577-6630
CRIMINAL DIVISION (302) 577-8500
FAX: (302) 577-2496
FRAUD DIVISION (302) 577-8600
FAX: (302) 577-6499

March 5, 2019

Rajnish Barua, Ph.D.
Executive Director
Delaware Public Service Commission
861 Silver Lake Blvd., Suite 100
Dover, DE 19904

RE: *Exceptions to Hearing Examiner's Findings and Recommendations and Argument on
Exceptions In Docket No. 17-0978 (Phase II)*

Dear Dr. Barua:

On February 14, 2019, the Hearing Examiner issued his findings and recommendations in Phase II of Docket No. 17-0978. Pursuant to the Administrative Procedures Act, exceptions are due 20 days afterward, which in this case is March 6, 2019.

The Delaware Division of the Public Advocate ("DPA") is drafting a Joint Brief on Exceptions for it and the Commission Staff. Unfortunately, I was out of the office for an entire week with the flu. I have communicated with Delmarva counsel Todd Goodman, who has graciously agreed to extend the deadline for exceptions to Monday, March 11.

Normally, the parties would argue the exceptions at the next Commission meeting after the exceptions are submitted – in this case, March 19. Mr. Goodman has advised me that due to previous commitments, he is unable to attend the March 19 and April 2 Commission meetings, and has asked us to schedule argument on the exceptions for the Commission's April 16, 2019 meeting. Neither the DPA nor Commission Staff oppose that request.

The DPA respectfully requests the Commission to extend the deadline for the joint brief on exceptions to March 11 and to schedule oral argument on the exceptions for the Commission's April 16, 2019 meeting.

Respectfully yours,

/s/ Regina A. Iorii

Regina A. Iorii
Deputy Attorney General

RAI/rai

cc: Todd L. Goodman, Esq. (via electronic mail)
James McC. Geddes, Esq. (via electronic mail)
Thomas D. Walsh, Esq. (via electronic mail)
Matthew Hartigan, Deputy Executive Director
Connie McDowell (via electronic mail)
Malika Davis (via electronic mail)
Andrew Slater, Public Advocate (via electronic mail)
Andrea Maucher (via electronic mail)

Exhibit B

Iorii, Regina (DOJ)

From: Iorii, Regina (DOJ)
Sent: Friday, April 12, 2019 12:40 PM
To: Barua, Raj (DOS)
Cc: dculver@mnat.com; bgrzaslewicz@MNAT.com; RScaggs@MNAT.com; Todd Goodman; Walsh, Thomas D (DOJ); James McC. Geddes; Slater, Andrew C. (DOS); Maucher, Andrea (DOS); Davis, Malika (DOS)
Subject: Re: Please see attached

Dear Dr. Barua:

Please excuse the informality of an email reply to your letter regarding Delmarva's "reply" to Staff and DPA's Joint Brief on Exceptions. I am out of the office today and have only my phone.

The DPA objects to the options provided to Delmarva with respect to the "reply" exceptions that it unilaterally assumed it could file. First, nothing in either the Administrative Procedures Act or this Commission's rules permits "replies" to exceptions, and the DPA respectfully submits that the staff of the Commission cannot approve impermissible submissions.

Second, given that nothing permits "reply" exceptions, Delmarva should at the very least have requested the Commission's permission to submit them. It did not.

Even if "reply" exceptions were permissible, I am not available for the Commission's May 7 meeting. I will be out of town attending a long-ago scheduled conference for regulatory attorneys.

Finally, the proffered option will encourage parties to file additional material for the Commissioners in contested cases. As you know, this is a part-time Commission. If reply exceptions are to be permitted, no doubt all parties will take advantage of the opportunity to get in a last written word, and then the party that filed the original exceptions will seek to file a written response, which will only increase the Commissioners' workload as well as delay final resolution of dockets.

For the foregoing reasons, the DPA respectfully requests you to reconsider the options offered in your letter to Delmarva, and to reject any "reply" comments. The argument should go on as scheduled on April 16.

Respectfully yours,

/s/ Regina A. Iorii

Sent from my iPhone

On Apr 12, 2019, at 11:06 AM, Barua, Raj (DOS) <Raj.Barua@delaware.gov> wrote:

To the Service List in PSC Docket No. 17-0798

Please see attached letter; it has also been filed via Delafile.

Sincerely,
Raj Barua

Rajnish Barua, Ph.D.
Executive Director

Delaware PSC
Work: 302-736-7516

<Dkt 17-0798 Exec Dir letter to Barnaby Grzaslewicz 4-12-16.pdf>

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF)	
DELMARVA POWER & LIGHT COMPANY FOR)	
AN INCREASE IN NATURAL GAS BASE RATES)	PSC Docket No. 17-0978
(FILED AUGUST 17, 2017))	

CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2019 I caused the JOINT OPPOSITION OF THE DELAWARE PUBLIC SERVICE COMMISSION STAFF AND THE DELAWARE DIVISION OF THE PUBLIC ADVOCATE TO DELMARVA POWER & LIGHT COMPANY'S MOTION FOR A CONTINUANCE OF THE ORAL ARGUMENT ON EXCEPTIONS TO THE HEARING EXAMINER'S PROPOSED FINDINGS AND RECOMMENDATIONS to be served on the following by electronic mail and to be filed with the Delaware Public Service Commission using Delafile.

Ara Azad	aazad@azpconsulting.com
Michael Houghton, Esq.	mhoughton@mnat.com
R. Judson Scaggs, Jr., Esq.	rscaggs@mnat.com
Donna Culver, Esq.	dculver@mnat.com
Todd L. Goodman, Esq.	todd.goodman@pepcoholdings.com
David C. Parcell	david.parcell@tai-econ.com
David Peterson	davep@chesapeake.net
Ryan Pfaff	rpffaff@azpconsulting.com
Thomas D. Walsh, Esq.	thomasd.walsh@state.de.us
James McC. Geddes, Esq.	jamesgeddes@mac.com
Malika Davis	malika.davis@state.de.us
Andrew C. Slater	andrew.slater@state.de.us
Andrea B. Maucher	andrea.maucher@state.de.us
Jennifer Dolen	jenny.dolen@tai-econ.com
Michael Gorman	mgorman@consultbai.com
Christopher Walters	cwalters@consultbai.com
Glenn A. Watkins	watkinsg@tai-econ.com
Sally Wilhelms	swilhelms@consultbai.com
Heather Hall	heather.hallo@pepcoholdings.com
Pamela Long	pamela.long@pepcoholdings.com
William F. O'Brien, Esq.	bobrien@chpk.com
John Kowalko	john.kowalko@state.de.us
Jay Ziminsky	jay.ziminsky@pepcoholdings.com

Dated: April 15, 2019

/s/ Regina A. Iorii

Regina A. Iorii (DE Bar No. 2600)

Deputy Attorney General

Delaware Department of Justice

820 N. French Street, 6th Floor

Wilmington, DE 19801

(302) 577-8159

regina.iorii@delaware.gov

Counsel for the Delaware Division
of the Public Advocate